

Student Code of Conduct & Grievance Procedures

Effective Spring 2012



Office of Community Standards
585-785-1554



Success. It's In Our Nature.

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FLCC does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status in its educational programs, admissions, activities, or employment policies.

INTRODUCTION

Finger Lakes Community College (FLCC) is a supportive, learning-centered environment that empowers our students, provides enriching life experiences, and enhances the quality of life throughout our community.

To help promote a safe and civil campus environment, Finger Lakes Community College expects each enrolled student to follow the Student Code of Conduct (also referred to as the Student Code or Code). The Student Code of Conduct embraces several important values: the rights of free speech and peaceable assembly; the freedom of inquiry and the right to make constructive criticism; the central importance of honesty to this community; and the desire that all students participate on campus in an environment that respects differences of culture, gender, religion, race, or ability.

Students are expected to abide by the rules of the College and to conduct themselves in accordance with accepted standards of good citizenship, respect, honesty, and decency, and with proper regard for the rights of others. Students must also obey federal, state, and local laws as would any good citizen. The maintenance of harmonious community standards requires that behavior which interferes with or threatens the welfare of others or the College community be prevented. Ignorance of these standards will not be considered a valid excuse or defense. Student participation in any unlawful or other potentially serious violations of College policy may lead to suspension or dismissal from the College.

The Student Code outlines the rights and responsibilities of students, behaviors prohibited on or off campus, possible sanctions, and the procedures adopted by the College for addressing student conduct. A student attending FLCC agrees to be governed by this Student Code of Conduct, as well as other College policies. All students at FLCC have access to the Student Code of Conduct. Copies of the Code are available online at <http://www.flcc.edu/offices/student-services/index.cfm> and from the Office of Community Standards (D-356).

Students who have questions about Code of Conduct are encouraged to contact the Director of Community Standards at (585) 785-1554.

STUDENT RIGHTS

I. Freedom to Learn

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, gender, sexual orientation, marital status, or veteran status in its educational programs, activities, admissions, and employment policies. The name of the current Affirmative Action Officer is available from the Human Resources Office. The ultimate criterion for admission shall be the student's ability to benefit from the educational experience.

Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation, and the College shall be ever conscious of and shall promote the motto of the State University - "To Learn - To Search - To Serve."

Faculty shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade or academic treatment in the classroom according to the procedures under "Academic Grievances" in this document.

II. Freedom to Participate in the College Community

Student representatives shall be voting members of the College Governance System and its standing committees, voting members of the Finger Lakes Community College Student Corporation, and voting members of the Finger Lakes Community College Association, Inc. Students may also form student clubs and organizations, subject to the provisions and approval of the Finger Lakes Community College Student Corporation. Advisors shall serve as consultants for student groups and organizations.

Students shall have the right to assembly and the right to invite speakers and guests and to discuss issues of their choice. Such programs must be sponsored by recognized student groups and be deemed appropriate to a college setting. The College reserves the right to make the final decision regarding appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Director of Community Standards. No student gathering or assembly shall physically obstruct the movement of others, deprive others of the opportunity to speak or be heard, represent their views as the views of the College, or disrupt the educational or institutional process in ways which interfere with the freedom of others.

At any event affiliated with the Office of Student Life held on the FLCC campus or FLCC campus centers and which has been promoted to the general public, will require all individuals to provide identification. Individuals not affiliated with FLCC will be asked to sign a guest book after identity has been verified. FLCC students are responsible for the behavior of their guest(s) while on FLCC premises.

III. Personal Freedom

The College shall not act as the arbiter of personal behavior or morals unless the conduct in question violates the rights of others, the Mission of the College, and/or these policies and procedures. Regulation of personal conduct may be necessary to protect the health or safety of others, to fulfill the educational responsibilities of Finger Lakes Community College, or to comply with local, state, or federal laws.

A student's personal property shall not be seized or searched without their consent unless such seizing or searching has complied with legal or College requirements. In the case of suspected cheating or a similar violation, for example, the College reserves the right to search for and confiscate materials related to the suspected violation.

Privacy of student records shall be maintained according to the Family Educational Rights and Privacy Act (FERPA) as outlined in the College Catalog.

IV. Religious Freedom (with regard to class attendance)

Finger Lakes Community College complies with New York State law with regard to religious absences. No person shall be expelled from or be refused admissions as a student to Finger Lakes Community College because they are unable, because of their religious beliefs, to attend classes or to participate in any examination, study, or work requirements on a particular day or days. Persons absent for reasons of religious observance based on a recognized, established religion shall be excused from any examination, study, or work requirements and shall be provided with an equivalent opportunity to make up any examination, study, or work requirements which he/she may have missed because of such absence. For further information, refer to the "Religious Beliefs" section in the College Catalog.

Authority

Authority for the administration, oversight, implementation, and regular review of the student conduct and grievance regulations and procedures is delegated from the President of the institution through the Vice President of Academic and Student Affairs to the Associate Vice President of Student Affairs and the Director of Community Standards. The Director of Community Standards and the Associate Vice President

for Student Affairs shall develop policies for the administration of the student conduct and grievance systems, and procedural rules for these processes that are not inconsistent with provisions of the Student Code.

Hearing officers in this process typically include, but are not limited to: The Director of Community Standards and The Director of Residence Life. Appellate officers and bodies typically include, but are not limited to: The Associate Vice President of Student Affairs, The Vice President for Academic and Student Affairs, The President, The Conduct Board, and the Academic Grievance Board. Other officers and/or boards may be established as necessitated by the particular facets of each event and the staffing necessary to adequately complete the processes.

Statement of Jurisdiction

This Student Code of Conduct applies to all students and student organizations of Finger Lakes Community College. The Code of Conduct primarily prohibits misconduct on College premises (buildings or grounds owned, leased, operated, controlled, or supervised by the College). The Conduct Officer may address and take action based on conduct occurring off campus when the behavior or the presence of the individual, in the College's sole judgment, adversely affects the campus community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Finger Lakes Community College.

Students are subject to this Code of Conduct during academic terms for which they are enrolled, during breaks between terms for which they are registered, during College holidays and vacations, and during periods of suspension.

If a student breaks a law that also violates the Code, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

Students are responsible for the behavior of their guests. A guest is any person who is not currently enrolled at the College whose purpose on College property is entirely, or in part, to make contact with another student(s). Students must accompany their guests at all times while on College property. Conduct of a guest which violates any part of College policy may result in the guests' immediate removal from College property and being banned from returning to College property in the future. In addition, conduct of a guest which violates any College policy may be considered a violation by the student(s) themselves and result in College conduct processes and sanctions for the student(s).

Standard of Evidence

The standard of evidence used to determine responsibility is a "preponderance" ("more likely than not") of evidence. This determination does not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply.

The Student Code of Conduct shall be reviewed annually under the direction of the Director of Community Standards. Regulations governing student conduct shall be approved by the Board of Trustees.

STANDARDS OF CONDUCT – RULES & REGULATIONS

Any student found to be or have been engaged in the following proscribed conduct is subject to the conduct sanctions outlined within this document. The severity of the offense, prior conduct history, and other relevant circumstances will be considered in determining the appropriate conduct action(s).

More than one sanction may be imposed for a single violation. A single act may constitute a violation of

more than one standard. Being under the influence of drugs or alcohol will not diminish or excuse a violation of the Student Code.

A student who has been charged with a violation of the Student Code and who withdraws from the College or stops attending before the conduct process is completed will be required to complete the conduct process upon re-entry to the College and prior to subsequent registration. Students pre-enrolled for upcoming semesters may have their schedules deleted.

PROSCRIBED CONDUCT

A. Interfering with, Obstructing, or Disrupting a College Function

Actions that interfere with, obstruct, or disrupt College functions are prohibited. College functions, on or off campus, are defined to include teaching, research, administration, conduct proceedings, College activities, public safety, and public service functions. This includes authorized non-college functions when the act occurs on College premises. Participation in an on-campus or off-campus demonstration that disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities of the College; intentional obstruction that reasonably interferes with freedom of movement, either pedestrian or vehicular on the College premises; and incitement to panic or riot or rioting is prohibited. Examples of prohibited behavior include but are not limited to: causing public inconvenience, annoyance or alarm; recklessly creating a risk by engaging in fighting or violent, tumultuous or threatening behavior; making unreasonable noise; disturbing any lawful assembly or meeting; obstructing vehicular or pedestrian traffic; congregating with other persons in a public area and refusing to comply with a lawful request of a College official to disperse; creating a hazardous or physically offensive condition by any act which serves no legitimate purpose.

B. Academic Dishonesty

Engaging in forms of academic dishonesty, such as cheating and plagiarism is prohibited. The term “cheating” includes, but is not limited to: 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff; or 4) aiding and/or abetting another student for the purpose of cheating. The term “plagiarism” includes, but is not limited to the use by paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

These definitions, examples, and prohibition of academic dishonesty apply equally to all FLCC classes, whether online, at a campus center, or through any other method(s) of delivery.

Forms of academic dishonesty will not be tolerated by Finger Lakes Community College. Faculty may impose a mandatory minimum penalty upon a student found to have committed a violation. Initial responsibility and authority for handling suspected academic dishonesty situations rests with the faculty, but may rise to the level of student conduct matters depending on the specifics of each situation. Please refer to the information in the *Sanctions* section for more detail on the handling of suspected academic dishonesty. Students charged with violating this section of the Code will have their academic file reviewed via the Registrar’s Office to verify any past academic dishonesty occurrences.

C. Dishonesty

Intentionally furnishing false information or omitting relevant or necessary information is prohibited. Using or possessing false, altered, or another’s’ identification (including drivers’ licenses and SUNY/FLCC ID Cards) is prohibited. Examples of prohibited behavior include forgery, alteration, or falsification of any College document or record, or misrepresentation of College credentials. These include grade transcripts, student identification, computer records, and other official documents. Using a forged or altered document is also prohibited, even if someone else made the changes. Student identification cards are College property and

must be shown or surrendered when requested by a College official in performance of their duties. The term “College official” is defined as any person hired by the College to work in a faculty, staff, administrative, or security role and any other person designated to serve as a College official.

D. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.

Examples of prohibited behavior include but are not limited to murder, assault, battery, stalking, telephone/electronic harassment, sexual harassment, threats, intimidation, physical abuse, verbal abuse, racial slurs, and any other conduct which threatens or endangers the health or safety of any person.

E. Sexual Misconduct.

Including, but not limited to

1. Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent
2. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
3. Conduct of a sexual nature that creates a severe, pervasive and objectively offensive, campus, educational, or working environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based activities or comments.
4. Deliberate touching of another's sexual parts without consent
5. Deliberate sexual invasion of another without consent
6. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of sexual injury
7. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates a severe, pervasive and objectively offensive environment for an individual's
 - (I) Academic pursuits
 - (II) College employment
 - (III) Participation in activities sponsored by the College or organizations or groups related to the College, or
 - (IV) Opportunities to benefit from other aspects of College life.

F. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.

Examples include but are not limited to theft of any property of the College, member of the College community or College-affiliated business, possession of property known to be stolen, and any form of identity theft or misrepresentation.

G. Gambling or solicitation on campus

Students may not use College property for any activity prohibited by federal, state, local law or the Student Code. Solicitation or the use of College facilities or resources for any personal gain or profit is prohibited. Examples of prohibited behavior include but are not limited to engaging in any nature of business for personal benefit on College property or using College resources, gambling on College property. Student athletes should be aware that the Department of Athletics and the NJCAA provide additional restrictions, guidelines, and sanctions related to gambling. Students may contact the Director of Athletics for more information about policies.

H. Use, possession, hosting, manufacturing, or distribution of alcoholic beverages

Alcoholic beverages are prohibited on property owned, maintained, leased, managed, or controlled by the College. Exceptions to this policy must be approved by the President. Alcoholic beverages may not, in any circumstance, be used by, possessed by, hosted by, or distributed to any person under twenty-one (21) years of age. The use, offer for sale, distribution, possession, hosting, manufacture of alcohol except as expressly

permitted by law is prohibited. The use, offer for sale, distribution, possession, hosting, or manufacture of chemicals, products or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited. Behavior that is disruptive; adversely affects the campus community; impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of the College; is detrimental to the learning environment, and/or damaging to the reputation of the institution which is attributable to the use of alcohol is prohibited. Any student who becomes intoxicated after using alcohol or who after consuming alcohol becomes physically violent, aggressive, or refuses to cooperate with any College staff member who is performing his/her duties, is in violation of this policy. Other examples of prohibited disruptive behavior due to the use of alcohol includes but is not limited to attending class under the influence, loss of motor control, destruction of property, providing alcohol to minors. Behavior, either on or off campus, resulting from irresponsible and/or illegal use of alcoholic beverages and/or other drugs is prohibited.

I. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.

The use, offer for sale, distribution, possession, hosting, manufacture of any controlled substance, including prescription medications, except as expressly permitted by law is prohibited. The use, offer for sale, distribution, possession, hosting, or manufacture of chemicals, products or materials, including prescription medications, for the purpose of use as a controlled substance except as expressly permitted by law is also prohibited. Use of inhalants such as huffing or sniffing glue, fuels, or paint, and the use of nitrous oxide (whip-its) or other gasses is prohibited. Possession of drug paraphernalia is also prohibited. Drug paraphernalia as it applies to this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

J. Possession or Use of Weapons

Possession of firearms, explosives, other weapons, weapon replicas or dangerous chemicals on College premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. A weapon is defined as any instrument, device, or object capable of inflicting physical harm or death and designed, specifically adapted for use as a weapon, or possessed, carried, or used as a weapon. Examples of weapons include but are not limited to firearms, explosive devices, dangerous chemicals or substances, knives, firecrackers, compressed gas guns, pellet guns, stun or zip guns, slingshots, and BB guns. For additional information regarding weapons students may reference the annual Campus Safety Report.

K. Discrimination

Discrimination on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, veteran status, or other characteristic(s) is particularly repugnant to the mission of Finger Lakes Community College. Finger Lakes Community College prohibits the unequal treatment of a person on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, veteran status, or other characteristic(s)

L. Hazing

Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this Code. Examples of prohibited behavior include but are not limited to: forced drinking, paddling, physical shocks, degrading or humiliating games, physical harassment, branding, public stunts, and forced tattoos. Student athletes should be aware that the Department of Athletics and the NJCAA provide additional restrictions, guidelines, and sanctions related to gambling. Students may contact the Director of Athletics for more information about policies.

M. Violation of Law

Conduct which violates any federal, state, or local law is prohibited. The College will review any conduct reported by members of the College community, law enforcement personnel, or citizens as being in violation of the law. If in review, the College determines, in its sole judgment, that the alleged conduct violates College policy, appropriate conduct action will be taken.

N. Failure to Comply

Failure to comply with any lawful order or directive of any College official acting pursuant to their duties is prohibited. (Emergency orders may supersede some written regulations. Students who receive orders which they consider unreasonable, although not illegal, must obey them at the time and may bring a formal complaint later against the issuing staff members by writing to the Associate Vice President of Student Affairs.) The term “College official” means any person hired by the College to work in a faculty, staff, administrative, or security role and any other person designated to serve as a College official. Failure to comply with an order of dispersal is prohibited. Other examples of prohibited behavior include but are not limited to failure to produce identification upon request by a Campus Safety Officer or other College official; failure to attend a scheduled Conduct Conference upon request by the Conduct Officer or designee; failure to fulfill a sanction(s) imposed by the Conduct Officer, designee, Administrative Hearing officer, or Conduct Board; failure to follow through with the crisis response re-entry procedures; failure to exit the College premises during an emergency situation upon request of a College official.

O. False Reports

False alarms or reports are prohibited. Intentional initiation of any false report, warning, threat of fire, threat of explosion, or other emergencies on College premises or at any College-sponsored activity is also prohibited. Other examples of prohibited behavior include but are not limited to tampering with, impairing, disabling or misusing fire protection systems such as detectors, sprinklers, alarms, and extinguishers.

P. Student Computer Use Policy

Access to computing resources is granted to members of the College community for use in their academic work, with the understanding that such access is a privilege and carries with it certain responsibilities. Users of College computing resources including the College network agree to adhere to the requirements of the Student Computer Use Policy and Network Usage Policy; to review policies, please visit <http://www.flcc.edu/offices/computingservices/policy.cfm>.

Copyright and Peer to Peer File Sharing

The policies above specifically prohibit peer to peer file sharing and use of College resources to violate copyright or other laws. In addition, the College conforms to federal laws requiring it to monitor these abuses. They also detail specific penalties for the users, including fines and jail time. Violators of the Digital Millennium Copyright Act (DMCA) who have illegally shared copyrighted files are subject to civil penalties of between \$750 and \$150,000 per song. As of 2008, past pre-litigation settlements offered by copyright owners such as the Recording Industry Association of America (RIAA) have ranged from \$3,000 to \$4,000 and up. Additionally, a court may, in its discretion, grant the copyright owner reasonable attorney fees.

In accordance with the DMCA, College policy also forbids the unauthorized copying, distribution, downloading, and uploading of copyrighted materials on any device utilizing the College network or computing resources. These materials include, but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film and software.

Additional examples of prohibited behavior include but are not limited to:

- Violation of software copyrights, license agreements, or trade secrets;
- Unauthorized copying of computer software that is owned or licensed to the College
- Unauthorized transfer of a file;
- Use of computing resources to interfere with the work of another student, faculty member of College official;
- Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
- Unauthorized access to, use of, or control of computing resources including circumvention of computing system safeguards
- Unauthorized use of another individuals' identification or password,
- Use of computing resources to interfere with normal operation of the college computing system or education process;
- Use of computing facilities to send and/or receive obscene, pornographic or abusive messages/materials;
- Willful introduction of a virus or other destructive program into the College computing environment;
- Activities for personal financial gain except as provided for by other College policy.

Violations of these regulations may result in the loss of network access privileges in addition to conduct sanctions as prescribed by the Student Code of Conduct (including, but not limited to, conduct probation, suspension, and conduct dismissal from the College).

Q. Disorderly Conduct

Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by the College or members of the academic community. The use of any electronic device in any of the ways mentioned above may also be considered disorderly conduct. Disorderly Conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, restroom, or other location.

R. Complicity/Failure to Separate

Conspiracy to commit, solicitation of another to commit, aiding and/or abetting the commission of, attempting to commit, or failure to separate oneself from others engaged in any conduct which is proscribed under the Student Code is prohibited.

S. Violation of College Policies

Students are required to follow all College policies, procedures, and regulations. Failure to follow College policies, procedures, or regulations is prohibited. Such policies, procedures, and regulations include, but are not limited to:

1. Alcohol Policy;
2. Children on Campus Policy;
3. Facility Use Policy;
4. Parking and Traffic Regulations;
5. Signs, Posters and Banners, and Political Canvassing Procedures;
6. Smoking Policy;
7. Solicitation Regulations;
8. Student Computer Use Policy
9. Student Trip Policy;
10. Recreational Sports Rules and Regulations;
11. Vendor Policy;

12. Vehicle Use Policy
13. NJCAA Policies (student athletes only)
14. Student Athlete Code of Conduct (student athletes only)

T. Unauthorized Use of Access Devices

The unauthorized use, distribution, duplication, or possession of any access device including key(s) issued for any College building, laboratory, facility, or room is prohibited.

Sanctions

The College approaches the sanctioning of students from an educational standpoint. All sanctions received by students will be linked to one of the following six outcomes. Conduct letters received by students will reference these outcomes and which sanction is linked to which outcome(s).

- A. **Self Reflection** - Sanction designed to promote self-awareness of behavior, awareness of appropriateness/inappropriateness of behavior, awareness of institutional expectations
- B. **Impact on Others** - Sanction designed to promote student understanding of how behavior impacted or could have impacted others
- C. **Impact on College Community and/or Society** - Sanction designed to promote student understanding of community and/or societal standards
- D. **Impact on Personal Being** - Sanction designed to promote self-awareness of potential physical or psychological impacts of behavior
- E. **Impact on Personal Future** - Sanction designed to promote self-awareness of potential impacts of behavior on student's future (choice of career, course of study, etc.)
- F. **Strong Deterrence and Awareness Raising** - Sanction designed to serve as a serious and/or uncomfortable intervention

The determination of whether the accused student is found responsible of the offense shall be made on the basis of whether or not there is evidence which supports the finding of a violation, indicating that it is "more likely than not" that the accused student violated the Student Code of Conduct. Conduct sanctions shall be communicated to students in writing. Letters of suspension, dismissal, and permanent transcript notation are maintained, with corresponding conduct case files, permanently. For more information on student records please see the *Conduct Files and Records* section on page 24.

A student's conduct history is additive and cumulative throughout their FLCC career. Therefore, students should expect that sanctions should build upon one another and become more serious as incidents occur, even if the violations are for different parts of the Code of Conduct.

The severity of the offense, prior conduct history, and other relevant circumstances will be considered in determining the appropriate conduct action. A student who is found responsible for violating the Code may be suspended or dismissed for a single violation. Sanctions may be imposed singly or in combination for individuals or student organizations. Conduct action by the College does not preclude the possibility that a separate criminal prosecution or civil action may also be taken; in addition, unlawful conduct off campus may be grounds for College conduct action. Student organizations in violation of the Student Code are subject to equivalent sanctions. A student found responsible for violating any regulation will be subject to sanctions ranging from warning to dismissal. The most common sanctions are defined below and any additional sanctions, if appropriate, will be defined in a student's Sanction Letter:

A. No Action

No action indicates that a student is found not responsible for violating the Code.

B. Informal Warning

An informal warning indicates that a student's behavior may have violated the Code, but that no sanctions are being assigned by the College at the time.

C. Written Warning

Written warning is an official notification that the behavior of the student or student organization has been unacceptable. Written warnings will be placed in the student's or student organization's official conduct file.

D. Sanctions for Academic Dishonesty

Sanctions for academic dishonesty will be guided by the procedures listed below. These procedures provide for a wide range of resolutions based upon each specific situation.

Should incidents of academic dishonesty occur, the following procedures will be followed. The consequences for such violation may range from warning to receiving an "F" in the course, as well as possible College conduct actions. Handling of academic dishonesty cases is initiated and directed by the faculty member including the possibility of referral to the Office of Community Standards.

- I. A faculty member suspecting dishonesty will confer with the student so accused, within a reasonable time after the alleged offense has been discovered.
 - A. If the student denies responsibility and the faculty member is convinced that the student is not responsible, the matter is dropped.
 - B. If the faculty member is convinced that the apparently dishonest behavior was unintentional, the faculty member will help the student understand what was done wrong and how to avoid doing so in the future. Unintentional violations should be reported by the faculty member in accordance with Section III below.
 - C. If the student admits the act of dishonesty; the penalty will be determined by the instructor and may range from a warning to receiving a grade of "F" in the course, or other appropriate penalty as determined by the faculty member depending on the severity of the infraction and the significance of the assignment. When an "F" is levied on an individual assignment/test, the faculty member may require the student to complete additional work in order to continue in the course.

Violations should be reported by the faculty member in accordance with Section III below. If the faculty member believes that the dishonesty is severe enough to warrant suspension or dismissal from the College, s/he should refer the case to the Director of Community Standards.

If the student wishes to appeal the severity of the grade assigned by the faculty member, the student will follow the College grievance procedures stated in the Student Code of Conduct and Grievance Procedures.

- D. If the student denies responsibility and the faculty member is convinced that the student is responsible, the case may be referred, with any supporting documentation, to the Director of Community Standards for action. The faculty member may delay assigning a grade for the course or the assignment until the Director of Community Standards makes a determination of responsibility or no responsibility and takes appropriate College conduct action. Appeal of any conduct action is explained in the Student Code of Conduct and Grievance Procedures. The faculty member may assign a grade after considering the findings of the Director of Community Standards.

If the student wishes to appeal the severity of the grade assigned by the faculty member, the student will follow the procedures stated in the Student Code of Conduct and Grievance Procedures.

- E. A student who may have been engaged in an act of academic dishonesty may not withdraw from the course until the charges have been resolved. A student who receives an “F” in a course for academic dishonesty will not be permitted to change that grade by withdrawing from the course.
- II. The Director of Community Standards may hear cases of alleged academic dishonesty referred by the faculty member as violations of the Student Code of Conduct when any of the following occurs:
- A. The student denies responsibility and the faculty member is convinced that the student is responsible.
 - B. The faculty member is not convinced that the admitted violation was unintentional.
 - C. The faculty member believes that the violation is severe enough to warrant suspension or dismissal from the College.
 - D. The student has been involved in a previously documented incident of academic dishonesty.
- III. Whenever academic dishonesty occurs, a faculty member should provide the Director of Community Standards with a brief written report of the violation, any penalty imposed and the counseling provided by the faculty member. In order to insure that a pattern of misconduct is not established, the Director of Community Standards will place a copy of the faculty member’s statement in the academic dishonesty file in the Office of Community Standards. Materials placed in the academic dishonesty file will be kept in accordance with the Records Policy as stated in the Student Code of Conduct.
- Conduct decisions of the Director of Community Standards, and any subsequent appeal information, will be placed in a student’s conduct file. Information is maintained in accordance with the Records Policy in the Student Code of Conduct.
- IV. If a student witnesses an act of academic dishonesty, s/he should report it to the faculty member of the course involved. That faculty member will handle the matter according to the steps as outlined above.

E. Ongoing Conduct Requirements/Restrictions

Conduct requirements may be imposed with or without suspension or probation. Conduct requirements include but are not limited to:

1. restrictions from participating in intercollegiate athletics and extra-curricular activities;
2. restrictions of access to some or all campus facilities/areas;
3. monetary payments for purpose of restitution or to cover the expense of educational sanctions;
4. no contact orders;
5. denial of financial assistance from programs funded by the College;
6. required attendance at educational/assessment programs such as anger management workshops and comprehensive substance abuse assessments;
7. administrative hold on access to specified College documents
8. loss of on campus employment opportunities, including but not limited to, student aide and resident assistant positions.
9. prohibition of campus employment

F. Community Service

Students may be assigned community service in a manner consistent with their violation (e.g. – a conduct

violation in the Cafeteria may result in community service in the Cafeteria). Community service sanctions include, but are not limited to, writing a letter of apology, participating in a designated service project, or giving an identified community or agency (on or off campus) a number of service hours to be completed within a specified time period.

G. Conduct Probation

Conduct probation indicates to a student that their behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time, and includes the likelihood of more severe conduct sanctions, including suspension or dismissal, if the student is found to be violating or to have violated any section of the Student Code of Conduct during the probationary period, and may include ongoing conduct requirements. A student on probation may be required to meet periodically with a person designated by the Director of Community Standards.

H. Conduct Suspension

Suspension prohibits the student from attending FLCC for a designated period of time, which shall not exceed a period of more than five calendar years following its effective date. While on suspension, the student is denied access to FLCC premises and all College or student organization sponsored activity. The Associate Vice President of Student Affairs, Director of Community Standards or designee will determine the effective dates of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the Associate Vice President of Student Affairs. Notice of suspension is kept permanently in the student's official College record maintained in the Registrar's Office.

I. Conduct Dismissal

Conduct Dismissal permanently separates the student from the institution, prohibits the student from ever attending Finger Lakes Community College and, in most cases, restricts a person from being on College property. A student may not be readmitted to the College after dismissal. Notice of Conduct Dismissal is kept permanently in the student's official College record maintained in the Registrar's Office.

J. Permanent Transcript Notation

In addition to suspension and dismissal, conduct can lead to a permanent notation of misconduct on a student's transcript. Hazing and other serious violations of the Student Conduct Regulations, especially conduct which leads to death or serious physical injury to another person, which results in suspension or dismissal, may result in a permanent transcript notation. A permanent transcript notation will appear on a student's official academic transcript and a grade of AW for the classes during the semester in which the sanction is imposed.

K. Interim Suspension

The Director of Community Standards or designee may summarily suspend a student and/or student organization; prohibit the same from any or all appropriate portions of College premises, College-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a conduct hearing. An interim suspension will be imposed whenever the Director of Community Standards or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of the student, other students, other members of the College community, to the stability or continuance of normal College functions, or to property.

The Director of Community Standards or designee may suspend a student for an interim period pending conduct proceedings or medical/mental health evaluation. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

- A. To ensure the safety and well-being of members of the College community or preservation of College property;

- B. To ensure the student's own physical or emotional safety and well-being;
- C. If the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be given a copy of these standards and procedures. The student will be given an opportunity to appear personally before the Director of Community Standards or designee within three College business days from the effective date of the interim suspension, in order to review the following issues only:

- 1. The reliability of the information concerning the student's conduct;
- 2. Whether or not the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
- 3. Whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Director of Community Standards or designee shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Director of Community Standards or designee may require that the student submit to medical or mental health examination(s) to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit to examination and the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of the student, other students, other members of the College community, to the stability or continuance of normal College functions or property, the Director of Community Standards or designee may proceed with the interim suspension.

L. Sanctions for Alcohol and Other Drug Violations

The College treats each student and each situation individually. Therefore, the certainty of sanctions cannot be assured prior to a Conduct Conference occurring. The sanction descriptions below provide *general* guidelines for Conduct Officer and student reference. These sanctions may, at the sole discretion of the Conduct Officer, be changed and/or added to based upon the analysis of each student and situation. It is important to remember that while even a single violation can lead to Conduct Suspension or Conduct Dismissal from FLCC, that not all students charged with Code of Conduct violations receive sanctions.

A chart of alcohol and drug sanctions is provided in Appendix A.

- 1. Alcohol
 - a. First Violation - Students found responsible for violating section H of the Code of Conduct will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive a Written Warning, and educational assignment, and/or an online evaluation; while students responsible for hosting an event, or supplying alcohol for an event, may receive Disciplinary Probation, an educational assignment, parental notification (if under 21,) a substance abuse evaluation, and/or an online evaluation.
 - b. Second Violation – Students found responsible for violating section H of the Code of Conduct a second time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Disciplinary Probation, parental notification (if under 21,) an educational assignment, and/or a substance abuse evaluation; while students responsible for hosting an event, or supplying alcohol for an event, may receive Conduct Suspension, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

- c. Third Violation - Students found responsible for violating section H of the Code of Conduct a third time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Conduct Suspension, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, and/or conditions necessary for readmission; while students responsible for hosting an event, or supplying alcohol for an event, may receive Conduct Dismissal, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
 - d. Fourth Violation - Students found responsible for violating section H of the Code of Conduct a fourth time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Conduct Dismissal, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
2. Other Drugs*
- a. First Violation - Students found responsible for violating section I of the Code of Conduct will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Disciplinary Probation, an educational assignment, parental notification (if under 21,) a substance abuse evaluation, and/or an online evaluation; while students involved in hosting an event, or supplying drugs for an event may receive Conduct Suspension, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
 - b. Second Violation - Students found responsible for violating section I of the Code of Conduct a second time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Conduct Suspension, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, and/or an online evaluation; while students involved in hosting an event, or supplying drugs for an event may receive Conduct Dismissal, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
 - c. Third Violation - Students found responsible for violating section I of the Code of Conduct a third time will receive sanctions commensurate with their involvement in the situation. Students present in an area where policy violations occurred may receive Conduct Dismissal, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

*Note: the sale or distribution of drugs or controlled substances may result in Interim (immediate) Suspension prior to a Conduct Conference occurring.

3. DWI/DUI

- a. First Violation – Students found responsible for violating sections H, I, or M of the Code of Conduct, while operating a motor vehicle, will receive sanctions commensurate with their involvement in the situation. Students who are not responsible for property or personal damages may receive Conduct Probation, an educational assignment, parental notification (if under 21,) a substance abuse evaluation, and/or an online evaluation; while students who are responsible for property or personal damages may receive Conduct Suspension, a Permanent

Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.

- b. Second Violation - Students found responsible for violating sections H, I, or M of the Code of Conduct a second time, while operating a motor vehicle, will receive sanctions commensurate with their involvement in the situation. Students who are not responsible for property or personal damages may receive Conduct Suspension, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation and/or conditions necessary for readmission; while students who are responsible for property or personal damages may receive Conduct Dismissal, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation, and/or conditions necessary for readmission.
- c. Third Violation - Students found responsible for violating sections H, I, or M of the Code of Conduct a third time, while operating a motor vehicle, will receive sanctions commensurate with their involvement in the situation. Students who are not responsible for property or personal damages may receive Conduct Dismissal, a Permanent Transcript Notation, parental notification (if under 21,) a substance abuse evaluation, an online evaluation and/or conditions necessary for readmission.

If a student is suspended as a result of alcohol and/or other drug violations and subsequently returns to FLCC, another violation of alcohol or other drug parts of the Code of Conduct will likely result in Conduct Dismissal from the College. For very serious or multiple violations of the Student Code, additional sanctions may be warranted and imposed in accordance with normal College conduct procedures.

CONDUCT PROCEDURES

Filing a Complaint

Any person (a Complainant) may file a complaint under the Code of Conduct alleging a violation of the Student Code of Conduct by a student. The complaint must be in writing with the complainant's name attached to it and delivered to the Director of Community Standards within 30 days of when evidence comes to light regarding the alleged violation. Anonymous complaints will not be acted upon. Following receipt of a complaint, the Director of Community Standards (or designee) will evaluate whether the complaint should be dismissed or whether further information and/or action is necessary. It is unlikely a student will be informed of the outcome of a complaint for confidentiality purposes.

Holds

A student who is charged with violating a section of the Student Code of Conduct will have a hold placed on their account until their Conduct Conference occurs, and any resulting sanctions are completed. A student who has been charged with a violation of the Student Code of Conduct and who withdraws from the College or stops attending before the conduct process is completed will continue to have this hold on their account indefinitely, and will be required to complete the conduct process upon re-entry to the College

Conduct Conference

The purposes of the Conduct Conference are to review the alleged incident(s), provide an explanation of the conduct process, and discuss the student's or student organization's alleged involvement in the incident. At the close of the Conference the Conduct Officer will advise the student or student organization of the potential or actual sanction(s) for the alleged violation(s). The student or authorized student representative of the student organization shall attend the Conduct Conference. The Conduct Conference will be conducted in private with the Conduct Officer and involved student, or authorized representative only. Conduct Conferences will be electronically recorded and saved on the College server according to the files and record

policy. Students may request a copy of the digital recording of their own Conduct Conference within three College business days of receipt of any sanction(s). The College will provide this copy within five College business days of receipt of the request. Electronic recordings will be maintained in accordance with the records policy.

The Director of Community Standards or designee shall determine whether the alleged violation(s) may result in suspension, dismissal, and/or a permanent transcript notation and so advise the student or student organization during the Conduct Conference. The Conduct Officer shall determine whether the alleged violation(s) can be resolved by mutual consent of the involved parties (that is, complainant and accused). If a student or student organization (through an authorized student representative) fails to schedule or appear at a Conduct Conference following proper written notification, the Director of Community Standards or designee may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility. Conduct Conferences may be rescheduled at the discretion of the Conduct Officer.

Upon completion of the Conduct Conference, the student or student organization shall receive written notification of the Conduct Officer's decision, via a Sanction Letter, stating whether they are being found responsible for violating the Code of Student Conduct, and stating any sanction(s) assigned by the College. The letter will include information on how a student or student organization may appeal the decision of the Conduct Officer and a time frame of not less than five College working days by which they must do so.

If the student or student organization fails to notify the Conduct Officer of their desire to appeal the decision(s) by the stated deadline, the decision of, and sanction(s) assigned by the Conduct Officer will be upheld.

Appeal Procedures

Grounds for Appeals

Appeals of Conduct Sanctions will only be considered if they demonstrate at least one of the following:

- 1) The student demonstrates that there was a procedural defect in the adjudication of the case.
- 2) The student demonstrates that the sanction(s) assigned was inappropriate for the section(s) of the Student Code that the student was found responsible for violating and the student's conduct history.
- 3) The student brings forth new evidence or other relevant facts that were not brought forward at the time of the Conduct Conference because they were not known to the student at the time of the conference.

Appeal Process for Offenses not resulting in Suspension, Conduct Dismissal, and/or Permanent Transcript Notation

A decision and/or a sanction not resulting in Suspension, Dismissal, and/or Permanent Transcript Notation may be appealed to the Associate Vice President of Student Affairs. The appeal must be in writing and must be delivered to the Director of Community Standards, Conduct Officer, or designee within the time frame stated in the Sanction Letter.

1. During the period of appeal, all sanctions will be postponed.
2. The Associate Vice President of Student Affairs will review the appeal.
3. The appeal process will consist of a review of the records of the Conduct Conference and the supporting documents as well as the student, or authorized representative of a student organization, meeting with the Associate Vice President of Student Affairs. The meeting will be electronically recorded and the student may request a copy of the recording within three College business days of receipt of the decision. The College shall have five College business days from the time of the request to supply the recording.
4. The student will be notified in writing of the Associate Vice President of Student Affairs' decision within five College business days following their meeting.

5. If the appeal is denied, the original sanctions imposed may be upheld, reduced, or increased.
6. If a student or student organization (through an authorized student representative) fails to schedule or appear at an appeal meeting following proper written notification, the Associate Vice President of Student Affairs or designee may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
7. Appeal meetings may be rescheduled at the discretion of the Associate Vice President of Student Affairs.
8. Students are limited to one appeal for each Conduct Conference.
9. The Associate Vice President of Student Affairs' decision is final.

Appeal Process for Offenses resulting in Suspension, Dismissal, and/or Permanent Transcript Notation

A decision and/or a sanction involving Suspension, Dismissal and/or Permanent Transcript Notation may be appealed to the Conduct Board. The College Conduct Board is composed of three faculty members (appointed by the Teaching Faculty Alliance with one representative for each academic department) and two matriculated students (appointed by the Associate Vice President of Student Affairs) who have each completed a minimum of 24 credits at Finger Lakes Community College and are in good academic and conduct standing. The chair of the Conduct Board will be a member of the faculty.

1. During the period of appeal, all sanctions will be postponed.
2. The appeal must be in writing and delivered to the Director of Community Standards (or designee) within the time frame stipulated in the Sanction Letter.
3. In the cases in which the student or student organization is entitled to and has requested a hearing before the Conduct Board within the designated time frame, the Director of Community Standards shall schedule the hearing.
4. The hearing shall commence not sooner than five College business days after the request for a hearing.
5. The student or student organization will be given a minimum of five College business days notice prior to the hearing and may request a hearing time at a future day/time. Such requests must demonstrate extenuating circumstance and are at the discretion of the Director of Community Standards.
6. The student or student organization shall have the right to file with the Conduct Board a written response to any charge(s). Any response must be delivered to the Director of Community Standards at least three full College business days prior to the hearing.
7. The student or authorized representative of the student organization is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support during the formal hearing with the Conduct Board. Upon request, the College will supply the names of potential supports from the College community. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain their approval to serve in this role. The student shall submit the supporter's contact information to the Director of Community Standards at least three full College business days prior to the hearing. The supporter may a) attend the formal hearing with the student; b) advise the student during the formal hearing; and c) provide a brief character statement on behalf of the student at the beginning of the hearing. The supporter cannot a) investigate the Code of Conduct charges outside of the stated conduct procedures; b) present the student's case on behalf of the student; and c) question and respond to the Conduct Board or respondent(s) on behalf of the student during the formal hearing. The student, or authorized representative of the student organization is responsible for presenting their own case.
8. The student or authorized representative of the student organization may invite witnesses, both factual and character, and bring other materials to the hearing. The student or student organization must provide the names, contact information, any other materials, and purpose of desired attendance

and/or use to the Director of Community Standards at least three full College business days prior to the hearing. This information will be shared with the Board members prior to the hearing. Absent extenuating circumstance, the maximum number of witnesses shall not exceed three. It is the responsibility of the student or student organization to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.

9. If a desired witness is unable to attend the designated hearing time, the student or student organization may obtain a written notarized statement from the witness to present at the hearing.
10. The hearing shall be closed to the public.
11. Personal belongings, other than files or other items pertinent to the hearing, will not be allowed to be brought into the room by the student, authorized representative of the student organization, Supporter, or Board members. Provision will be made to store personal belongings outside the hearing room by the Director of Community Standards.
12. The Chair, or a member of the Conduct Board designated by the Chair to preside, shall have the right to determine the acceptability of testimony, including witnesses and any notarized statements and any other evidence during the hearing and may place time limitations on testimony and closing arguments.
13. The student, authorized representative of the student organization, and respondent(s) shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Conduct Board elects to accept a witness's notarized written statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student, authorized representative of the student organization, and respondent(s) at the hearing and they shall be given the opportunity to respond to such statements. Witnesses other than the student, authorized representative of the student organization, and respondent(s) shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing.
14. In rare instances, the College may elect to present formally a case using legal counsel. If the College elects to present a case using legal counsel, the student or student organization will be given notice of the decision and will also have the opportunity to be represented by legal counsel at the student's or student organization's own expense.
15. The hearing shall be recorded on equipment supplied by the College. The student, authorized representative of the student organization, or respondent may request a copy of the recording by submitting a written request to the Director of Community Standards within five College business days following the hearing. The recording shall be made available to the student, authorized representative of the student organization, or respondent not sooner than five College business days following the hearing.
16. Both sides shall be given reasonable opportunity to present a closing statement.
17. If a student or student organization (through an authorized student representative) fails to schedule or appear before the Conduct Board, following proper written notification, the Conduct Board may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
18. Conduct Boards are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Student Affairs or designee.
19. At the close of the hearing, the Conduct Board shall deliberate privately. The Board will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five College business days after the close of the hearing, the Conduct Board shall report its findings and recommendation(s) in writing to the Director of Community Standards.
20. Within five College business days from receipt of the Board's decision, the Director of Community Standards will notify the student or student organization in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) changed or upheld.
21. The student or student organization has the option to accept the Conduct Board's decision or to appeal the Conduct Board's decision to the College President. (See below)

Appeal of the Conduct Board's Decision to the College President

1. The student or student organization has the right to file a written appeal with the President within five College business days of the written notification of the disposition of the Conduct Board. The request should state the basis for the request and include all supporting documents.
2. A copy of the appeal must be submitted to the Director of Community Standards. During the period of appeal, all sanctions will be postponed.
3. The written appeal will be considered if it includes at least one of the following:
 1. The student demonstrates that there was a procedural defect in the adjudication of the case.
 2. The student demonstrates that a sanction(s) assigned was inappropriate for the section(s) of the Student Code that the student was found responsible for violating.
 3. The student brings forth new evidence or other relevant facts that were not brought forward at the time of the Conduct Board hearing because they were not known to the student at the time of the hearing.
4. The President shall decide if the appeal has merit or not (e.g., to review or not review the decision).
 1. If the appeal alleges that there was a defect in procedure or new evidence is presented and the President finds that there was a defect in the procedure or new evidence presented which was sufficiently substantial to have affected the outcome, the President will order a new hearing.
 2. If the appeal alleges that the sanction was inappropriate and the President finds the sanction to be inappropriate, the President may increase or decrease the sanction.
5. The President will notify in writing the student or student organization, and the Director of Community Standards, of their decision within five College business days of their receipt of the appeal. If the President requires additional time, the Director of Community Standards may extend the time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to the student or student organization.
6. The decision of the President to change a sanction or sustain the finding of the Conduct Board is final.
7. The result of any new hearing ordered by the President may be appealed only as detailed in this section. If a new hearing is ordered, the new hearing will be held before the original hearing authority.

GRIEVANCE PROCEDURES

I. Academic Grievances

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging prejudiced, capricious, or unfair academic appraisal (e.g. assessment, evaluation, examination, judgment) or treatment. These procedures do not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply.

Grievance procedures may begin by a student contacting the instructor, the instructor's department chair, or the Office of the Associate Vice President of Student Affairs. Before proceeding to a formal level, academic grievances must be submitted in writing to the Office of the Associate Vice President of Student Affairs, contain the name and address of the complainant (i.e., student), course number and title, name of instructor, and a description of the allegations of unfair appraisal or treatment. Grievances must be initiated no later than week four after the beginning of the subsequent semester following the occurrence (that is, grievances relating to courses taken during the spring semester or summer terms must be initiated no later than week four after the beginning of the fall semester; grievances relating to courses taken during the fall semester or

JanPlan must be initiated no later than week four after the beginning of the spring semester). Deadlines for the submission of an academic grievance appear in the *Student Handbook and Academic Planner* and at <http://calendar.flcc.edu/calendar>. A waiver of the deadline must be requested in writing to the Associate Vice President of Student Affairs or designee and cite the rationale for deferring the deadline. The Associate Vice President of Student Affairs or designee will provide their decision in writing to the student within ten College business days of receipt of the request.

- A. Students charging a faculty member with prejudiced, capricious, or unfair academic appraisal (e.g., assessment, evaluation, examination, and judgment) or treatment shall notify and discuss the complaint with the instructor without fear of reprisal.
- B. If the problem remains unresolved, the student shall notify and discuss the complaint with the instructor's department chairperson.
- C. At the department chairperson's discretion, a meeting may occur with the student, instructor, and department chairperson.
- D. If, upon completing the aforementioned steps, the complaint remains unresolved, the student may request a hearing before the Academic Grievance Board by submitting a formal written complaint to the Associate Vice President of Student Affairs or designee. The Associate Vice President of Student Affairs or designee shall schedule a meeting with the student to discuss the merit(s) of the grievance.
- E. The student is offered the opportunity to have a supporter from the College community (i.e., currently enrolled student or current employee) to provide assistance and support prior to and during the hearing. The supporter shall not include professional lawyers or persons trained in the law. The student is responsible for contacting the supporter to obtain their approval to serve in this role. The student shall submit the supporter's contact information to the Associate Vice President of Student Affairs no less than three full College business days prior to the hearing date. The supporter may 1) advise the student on the merits of their grievance; 2) coach the student in fulfilling the informal grievance procedures; 3) review the student's formal written grievance prior to submission to the Associate Vice President of Student Affairs or designee; and 4) attend the formal hearing with the student. The supporter cannot 1) accompany the student in fulfilling the informal grievance procedures; 2) investigate the complaint outside of the stated Academic Grievance Procedures; 3) write the student's formal grievance; and 4) question and respond to the Grievance Board or respondent(s) on behalf of the student during the formal hearing.
- F. The College Academic Grievance Board is composed of three faculty members and two matriculated students (recommended by the Director of Student Life and appointed by the Associate Vice President of Student Affairs) who have each completed a minimum of 24 credits at Finger Lakes Community College and are in good academic and conduct standing. The Chair of the Academic Grievance Board will be a member of the faculty and will be appointed by the Associate Vice President of Student Affairs or designee.
- G. In cases in which the student has made a timely request for a hearing before the Academic Grievance Board by submitting a formal written complaint that cites the basis for the charge(s) and includes all supporting documentation, the Associate Vice President of Student Affairs or designee shall schedule the hearing. The Associate Vice President of Student Affairs or designee will disseminate the formal written complaint and all materials submitted by all parties no less than three full College business days prior to the hearing, to all parties associated with the grievance (i.e., Academic Grievance Board, instructor(s), student).
 1. The Associate Vice President of Student Affairs or designee will recommend that the instructor respond in writing to the student's formal written complaint.

2. A member of the Academic Grievance Board who is not presiding at the hearing may serve as a liaison to the grieved instructor(s) for the purpose of reviewing the Academic Grievance Procedures only.
3. The hearing shall commence not sooner than seven College business days after the request for a hearing. When a complaint is received following the conclusion of the fall or spring semesters, the hearing will be scheduled to occur in the subsequent spring or fall semester.
4. The student will be given a minimum of five days notice prior to the hearing and may request a hearing time at a future day/time. Such requests must be submitted in writing to the Associate Vice President for Student Affairs, or designee, demonstrate extenuating circumstance, and are at the discretion of the Associate Vice President of Student Affairs, or designee.
5. If a student fails to schedule or appear before the Grievance Board, following proper written notification, the Board Chair may render a decision using the information available and without the benefit of having the student's input or information. Such decisions do not presume a finding on behalf of the student or instructor(s).
6. Grievance Boards are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Student Affairs or designee.
7. Personal belongings, other than files and other materials pertinent to the hearing, will not be allowed to be brought into the room by the student, instructor(s), supporter, or Board members. Provision will be made to store personal belongings outside the hearing room by the Director of Community Standards.
8. The student and the grieved instructor(s) may invite witnesses, both factual and character, to the hearing. The student and/or instructor(s) must provide the names, contact information, and purpose of desired attendance to the Associate Vice President of Student Affairs, or designee, at least five full College business days prior to the hearing. Absent extenuating circumstance, the maximum number of witnesses invited by each party shall not exceed three (six total per hearing). It is the responsibility of the instructor(s) and/or student to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.
9. If a desired witness is unable to attend the designated hearing time, the student or instructor(s) may obtain a notarized statement from the witness to present at the hearing. Acceptance of such statements is at the discretion of the Board Chair. If the Academic Grievance Board elects to accept a witness's written notarized statement in lieu of live testimony, the identity of the witness and their statements shall be fully disclosed to the student and instructor(s) and they shall be given the opportunity to respond to such statements at the hearing.
10. The student shall have the right to submit evidence and question any witnesses who testify in the matter. All evidence must be submitted to the Associate Vice President of Student Affairs, or designee, no less than five full College business days prior to the hearing to be considered.
11. The Board Chair shall have the right to determine the acceptability of testimony and other evidence (that is, witnesses, written documentation) during the hearing and may place time limitations on testimony and on closing arguments.
12. Both sides shall be given reasonable opportunity to present a closing statement.
13. The hearing shall be closed to the public. The following individuals associated with the complaint shall attend the hearing: the student, the student's supporter (if appropriate), Academic Grievance Board, instructor(s), and hearing stenographer. The instructor(s) may request the department chair(s) attend the hearing.
14. The hearing shall be recorded on equipment supplied by the College, and a stenographer will attend the hearing. A copy of the hearing recording may be provided to the student and/or instructor(s) upon receipt of a written request to the Associate Vice President of Student Affairs or designee. The report shall be made available to the student and/or instructor(s) not sooner than five College business days following the hearing.

- H. At the close of the hearing, the Academic Grievance Board shall deliberate privately. The Board will seek to reach consensus in resolving cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five College business days after the close of the hearing, the Academic Grievance Board shall report its findings to the Associate Vice President of Student Affairs or designee. The Associate Vice President of Student Affairs or designee will notify the student in writing of the Board's decision within five College business days upon notification of the Board's decision. If the Board finds the complainant's charge to have merit, the Board will provide a written recommendation of the action(s) to be taken.
- I. If the student is not satisfied with the Academic Grievance Board outcome, they have the right to file a written appeal with the Vice President of Academic and Student Affairs within five College business days of the written notification of the Hearing Board's findings and recommendations. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Associate Vice President of Student Affairs or designee.
- J. The Vice President of Academic and Student Affairs will provide their decision in writing to the student within five College business days of receipt of the appeal.
- K. The decision of the Vice President to sustain the finding of the Academic Grievance Board or change an action(s) is final.

CONDUCT FILES AND RECORDS

- 1) **Written/Printed Materials**
All Written/printed conduct records, files, and hearing information are kept in the Office of Community Standards for decisions not resulting in Suspension, Dismissal, or Permanent Transcript notation. Written/printed information on actions resulting in a finding of responsible are kept on file in the Office of Student Conduct for seven years from the last date in the file. Conduct actions resulting in a finding of not responsible are kept on file in the Office of Community Standards for one year from the date of the incident.
- 2) Written/printed conduct records, files, and hearing information are kept *permanently* in the Office of the Registrar and the Office of Community Standards for decisions resulting in Suspension, Dismissal or Permanent Transcript Notation. Notice of a permanent transcript notation appears on the student's official academic transcript maintained by the Registrar's Office. A student or an alumna/alumnus may request the permanent transcript notation be removed from the official academic transcript following three years from the date of the written notification of the disposition of the matter (see *Record Expunction*, below).
- 3) **Electronic Records**
Brief electronic records of incidents, regardless of the results of the conference or hearing (e.g. – responsible or not responsible decision) are kept permanently in a database maintained by the Office of Community Standards. Digital copies of written/printed information on actions resulting in a finding of responsible are kept on College servers for seven years from the last date in the file for decisions not resulting in Suspension, Dismissal, or Permanent Transcript Notation. Digital copies of written/printed conduct records, files, and hearing information are kept *permanently* on College servers for decisions resulting in Suspension, Dismissal or Permanent Transcript Notation. Digital copies of written/printed information on actions resulting in a finding of not responsible are kept on file in the Office of Community Standards for one year from the date of the incident.

4) Recordings

Digital recordings of Conduct Conferences for decisions not resulting in Suspension, Dismissal, or Permanent Transcript notation will be maintained on the College server for a period of 90 calendar days from the day of the Conference. For decisions resulting in Suspension, Dismissal or Permanent Transcript Notation the digital recordings will be maintained indefinitely on the College server, in the Office of the Registrar, and in the Office of Community Standards. Digital recordings of Board Hearings (both grievance and conduct) will be maintained indefinitely on the College server and in the Office of Community Standards, as well as in the Office of the Registrar for decisions resulting in Suspension, Dismissal or Permanent Transcript Notation.

The Office of Community Standards may share conduct record information with other entities at the request of the entity(ies), provided the student has given written consent to the entity(ies) to obtain such information from FLCC, or in such cases where consent is not required. Providing conduct information to hearing boards is permissible under FERPA

MISCELLANEOUS

A. Confidentiality

The College complies with the Family Educational Rights and Privacy Act (FERPA) and will not typically share information that is part of a student's educational record with anyone other than the student, absent written permission from the student to do so. In situations involving serious conduct infractions, discussed herein, the College will send a copy of a student's Sanction Letter to a student's parent/guardian at their permanent address according to College records. The College may also share otherwise confidential information if there is reason to believe that a student is a threat to the safety of themselves or others. Conduct matters are kept confidential to the extent required by law. Student conduct matters may be shared with other College officials and offices.

B. Record Expunction

1. A student or an alumna/alumnus may submit a written request to the Director of Community Standards to have a permanent transcript notation removed from their official transcript following three years from the date of the written notification of the disposition of the matter. The Director of Community Standards will convene the Conduct Board to review the appeal. The request should respond to the following and include all supporting documents: a) the educational and/or employment goals the individual has accomplished since the permanent transcript notation was imposed; b) the lifestyle and/or behavioral changes the individual has made since the permanent transcript notation was imposed; c) any future educational and/or employment goals the individual is pursuing; and d) any other rationale for removing the permanent transcript notation. The Conduct Board will seek to reach consensus in granting or denying the request. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five College business days after the close of the meeting, the Conduct Board shall report its decision in writing to the Director of Community Standards.
2. The Director of Community Standards will notify the student or an alumna/alumnus in writing within five College business days upon notification of the Board's decision.
3. The student or an alumna/alumnus has the right to file a written appeal with the President within five College business days of the written notification from the Director of Community Standards.
4. The President will notify the student or an alumna/alumnus in writing of their decision. The decision of the President to remove or sustain the permanent transcript notation is final.

C. Refund Policy

In the event of a suspension or dismissal, the College will follow the regular refund schedule outlined in the College Catalog.

OTHER PROCEDURES

A. Discrimination Complaints

Finger Lakes Community College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination on the basis of age, color, disability, national origin, race, religion, creed, sex, sexual orientation, marital status, or veteran status. Complaints must be submitted in writing to the Office of the Associate Vice President of Student Affairs, contain the name and address of the complainant, and a description of the allegations of discrimination. Complaints must be received by the Office of the Associate Vice President of Student Affairs no later than four weeks after the beginning of the subsequent semester following the occurrence (that is, complaints relating to allegations of discrimination occurring during the spring semester or summer terms must be filed no later than four weeks after the beginning of the fall semester; complaints relating to allegations of discrimination occurring during the fall semester or JanPlan must be filed no later than four weeks after the beginning of the spring semester). A waiver of this deadline must be requested in writing to the Associate Vice President of Student Affairs and cite the rationale for deferring the deadline. The Associate Vice President of Student Affairs will provide their decision in writing to the student within ten College business days of receipt of the request.

- A. An investigation, as appropriate, shall be conducted by the Associate Vice President of Student Affairs or designee following receipt of a discrimination complaint. This procedure contemplates informal but thorough investigations, affording all interested persons, including the complainant and the person(s) against whom the allegation(s) of discrimination have been made, and their respective representatives, if any, an opportunity to submit information and documentation regarding the complaint allegations.
- B. A written determination with respect to the results of the Associate Vice President of Student Affairs' or designees' investigation shall be issued and a copy forwarded to the complainant within 30 College business days of receipt of the complaint.
- C. The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency. The right of a person to a prompt and equitable resolution of a submitted complaint shall not be impaired by the person's pursuit of other external remedies nor shall the use of this internal grievance procedure be a prerequisite to other external remedies.
- D. If the student is not satisfied with the determination of the Associate Vice President of Student Affairs or designee, they have the right to file a written appeal with the President (or designee) within five College business days of the written notification of the determination. The appeal should state the basis for the request and include all supporting documents. A copy of the appeal must be submitted to the Associate Vice President of Student Affairs or designee at the same time it is submitted to the President.
- E. The President will provide their decision in writing to the student within ten College business days of receipt of the appeal.
- F. The decision of the President to sustain the finding of the Associate Vice President of Student Affairs, or designee, or change an action(s) is final.
- G. Retaliation against any person who files a complaint of discrimination, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited under College policy and by state and federal law.

B. Sexual Harassment Complaints

Finger Lakes Community College prohibits sexual harassment, which is a violation of federal and state laws and is a form of sex discrimination under Title VII of the Civil Rights Act of 1964, Title IX of the

Education Amendments of 1972 and the Civil Rights Restoration Act of 1988. “Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.”^[1] Further, sexual harassment includes sexual violence. Sexual violence “...refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape.”^[1] Sexual harassment, “...creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student’s ability to participate in or benefit from the school’s program.”^[1]

Students can report incidents of sexual harassment to the Office Campus Safety (x1900), the Associate Vice President of Student Affairs (x1211), the Director of Community Standards (x1554), or to the College’s Title IX Coordinator Grace Loomis (x1428) as well as local law enforcement agencies for incidents occurring off-campus. The College works closely with law enforcement agencies to coordinate efforts addressing sexual harassment to the extent that criminal investigations are not affected.

The College addresses reports of sexual harassment with three primary goals: 1. immediately stopping any harassing behavior, 2. prevent the recurrence of any harassing behavior, 3. address any effects harassing behavior has had. The standard of evidence used to determine responsibility for sexual harassment is a “preponderance” (“more likely than not”) of evidence. This determination does not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to civil and criminal procedures shall not apply.

In efforts to immediately stop any harassing behavior and prevent a hostile environment the College may, without prior notice, take steps including but not limited to: issuing no contact directives to some or all involved parties, altering students living arrangements in the College Suites, altering course schedules, or in severe cases interim suspending students (see Student Code of Conduct for full description) as long as these actions do not disproportionately burden one party in relation to the other(s) considering the specific behavior(s) reported. Retaliation by any student involved in a sexual harassment investigation will not be tolerated and may result in interim suspension, arrest, or further Code of Conduct charges independent of the sexual harassment investigation.

Procedures

1. Following the College becoming aware of an incident(s) of sexual harassment, an individual will be designated by the Associate Vice President of Student Affairs to investigate the incident(s.) Such investigation will contemplate an informal but thorough investigation affording all parties, including the complainant(s)/victim(s) and the person(s) against whom the allegation(s) of harassment have been made, an opportunity to provide statements, information and documentation regarding the incident(s), and witnesses. If the alleged harasser is a College employee, the individual’s supervisor will be notified of the behavior and a request will be made to the alleged harasser for the behavior to be stopped immediately. The Human Resources Office will be notified of the complaint.
2. The investigator will attempt to meet individually with the complainant(s)/victim(s) and the person(s) against whom the allegation(s) of harassment have been made. Students will be delivered letters, for which they must sign, at their classes or sent using certified letters via the United States Postal Service within five College business days of receiving information regarding incident(s) of sexual harassment. These letters will schedule students for a procedural review with the investigator. The College’s desire to immediately stop any harassing behavior may result, at the investigators discretion, in a hold being placed on an alleged harasser’s College account and/or a no contact directive being issued to an alleged harasser via these letters.

3. Procedural reviews are conducted in private with only one student and the investigator present. In cases where a student involved in the investigation is a College employee a representative from Human resources may also be present. Students are not entitled to legal representation at these procedural reviews. The purposes of the procedural review will include: notifying students that a sexual harassment investigation is taking place, informing students of the College procedures relative to sexual harassment, making students aware of their ability to report incidents of sexual harassment to other entities (e.g. the Office of Civil Rights, law enforcement, etc.) at any time during the process, and to schedule a time to conduct an interview to discuss the incident(s) of alleged sexual harassment. Students may request that an investigator contact other students who may have witnessed the alleged incident(s) of harassment at this time. While an investigator will contact potential witnesses via their College e-mail addresses, witnesses are not obligated to meet with the investigator and it is the students' responsibility to follow-up with any witnesses to request their participation in the procedures.

Note: students may elect to begin their interview immediately following their procedural review, time permitting. Otherwise, a time mutually acceptable to the student and interviewer will be schedule within five College business days.

4. Interviews are conducted in private with only one student and the investigator present. In cases where a student involved in the investigation is a College employee a representative from Human resources may also be present. Students are not entitled to legal representation at interviews. Interviews will be recorded on College-supplied equipment and recordings will be kept according to the records policy found in the Student Code of Conduct. The purposes of the interview will be: to allow students to present their version of a reported incident(s) of harassment, to present the student with any additional reported incident(s) of harassment of which they were not previously aware and allow them to present their version of those incident(s) as well, to question students regarding reported incident(s,) particularly when facts are in question. Students are not permitted to question each other throughout these procedures.
5. Following the conclusion of all interviews and any other elements of an investigation, the investigator will provide a written summary of the investigation to the Associate Vice President of Student Affairs. The Associate Vice President of Student Affairs will also have access to all materials from the investigation including but not limited to: recordings, written/typed notes, information supplied by witnesses, and other relevant materials and information. This summary will typically be delivered within 25 College business days of receipt of information regarding incident(s) of sexual harassment. If the complexity of an investigation requires more than 25 College business days, the investigator will inform all parties involved, and the Associate Vice President of Student Affairs, on or before the 25th College business day and include an estimated time to complete the summary.
6. The Associate Vice President of Student Affairs will provide a written determination with respect to the results of the harassment investigation to the alleged harasser(s) within 30 College business days of receipt of information regarding incident(s) of sexual harassment. Concurrently, the Associate Vice President of Student Affairs will also provide to the complainant(s) any results of the decision which relate directly to the complainant (e.g. a no contact directive.) These letters, for which students must sign, will be delivered either to students' classes or sent using certified letters via the United States Postal Service. If the complexity of an investigation requires more than 30 College business days to render a determination, the Associate Vice President of Student Affairs will inform all parties involved, on or before the 30th College business day and include an estimated time to complete the determination.

7. If a student is found responsible for sexual harassment, sanctions consistent with the severity of the offense will be imposed on the harasser and may range from written warning up to and including disciplinary dismissal.

Appeals

Following receipt of the letters from the Associate Vice President of Student Affairs the complainant(s)/victim(s) and alleged harasser(s) will have the opportunity to appeal the finding (responsible or not responsible) and/or the remedy presented by the Associate Vice President of Student Affairs. Such appeals must be submitted in writing to the President of the College (or designee) within five College business days of students signing for their respective letters. The President (or designee) shall have ten College business days from the receipt of an appeal to respond in writing to the appellant(s), and to respond to the original complainant(s) with any changes in findings or remedies which relate directly to the original complainant(s).

Confidentiality

The College has a responsibility to provide a safe and nondiscriminatory environment. Therefore, requests for confidentiality may be weighed, "...against the following factors: the seriousness of the alleged harassment; ...whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an 'educational record' under the Family Educational Rights and Privacy Act (FERPA)..."^[1] The College is obligated to respond to all reports of sexual harassment by the Office of Civil Rights and may not be able to maintain confidentiality on students' behalf. The College will, "...make students aware of their Title IX rights and available resources including academic support services, medical and health services, and counseling."^[2] on and off campus as appropriate. The College will also inform students if a request to maintain confidentiality cannot be honored. The College will make every effort to prevent public disclosure of the names of all parties involved in a complaint, except to the extent necessary to carry out a thorough investigation.

C. All Other Complaints and Disputes

All other complaints, charges, or disputes shall be presented to the Associate Vice President of Student Affairs or designee no later than ten College business days after the occurrence. Except in unusual circumstances, all complaints, other than those specified above, must be submitted in writing to the Associate Vice President of Student Affairs or designee; contain the name and address of the complainant, and a description of the allegations.

The Associate Vice President of Student Affairs or designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved. If the charges cannot be disposed of by mutual consent, the Associate Vice President of Student Affairs or designee may later serve in the same matter as the hearing officer.

Appendix A

Alcohol and Drug Sanction Listing

Alcohol (Possession/Use/ Complicity only)	Alcohol (Sales/Distribution/ Hosting)	Drug (Possession/Use Complicity Only)	Drug (Sales/Distribution/ Hosting)
<u>1st violation</u> <ul style="list-style-type: none"> • Written Warning • Completion of online drug/alcohol screening AND completion of any related recommendations • Educational assignment 	<u>1st violation</u> <ul style="list-style-type: none"> • Conduct Probation (1-2 semester) • Parental Notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation AND completion of any related recommendations 	<u>1st violation</u> <ul style="list-style-type: none"> • Conduct Probation (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation AND completion of any related recommendations 	<u>1st violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation <p>Note: The sale/distribution of controlled substances may result in Interim Suspension</p>
<u>2nd violation</u> <ul style="list-style-type: none"> • Conduct Probation (1-2 semester) • Parental Notification (if student is under 21 years of age) • Possible off-campus drug/alcohol evaluation AND completion of any related recommendations 	<u>2nd violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) or extended Conduct Probation • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	<u>2nd violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	<u>2nd violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation <p>Note: The sale/distribution of controlled substances may result in Interim Suspension</p>
<u>3rd violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	<u>3rd violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	<u>3rd violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	
<u>4th violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) 			

<ul style="list-style-type: none"> • Permanent Transcript Notation 			
DUI/DWI Offenses – No property/personal damages (on or off-campus)	DUI/DWI Offenses – WITH property/personal damages (on or off-campus)		
<u>1st violation</u> <ul style="list-style-type: none"> • Conduct Probation (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Possible Off-Campus drug/alcohol evaluation AND completion of any related recommendations 	<u>1st violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) or Conduct Dismissal depending on circumstances • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation • Restitution for any campus property damage 		
<u>2nd violation</u> <ul style="list-style-type: none"> • Suspension (1-2 semesters) • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 	<u>2nd violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation • Restitution for any campus property damage 		
<u>3rd violation</u> <ul style="list-style-type: none"> • Conduct Dismissal • Parental Notification (if student is under 21 years of age) • Permanent Transcript Notation 			